

SHAMSIDDIN ABDUR-RAHEEM  
787151C/789072  
New Jersey State Prison  
PO Box 861  
Trenton, NJ 08625

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

|                          |   |                           |
|--------------------------|---|---------------------------|
| SHAMSIDDIN ABDUR-RAHEEM, | : | CIVIL ACTION NO.:         |
|                          | : | 3:15-CV-01743-MAS-TJB     |
| Plaintiff,               | : |                           |
|                          | : |                           |
| v.                       | : | CERTIFICATION SUPPORTING  |
|                          | : | TO MOTION REOPEN THE TIME |
| NEW JERSEY DEPARTMENT OF | : | TO FILE AN APPEAL         |
| CORRECTIONS, et al.,     | : |                           |
|                          | : |                           |
| Defendants.              | : |                           |

I, Shamsiddin Abdur-Raheem, of full age, hereby certify:

1. I am the Plaintiff in the above matter who instantly moves for an order to reopen the time to file an appeal.

2. On/around March 20, 2017, the Court issued an opinion granting in part and denying in part Defendants' motion to dismiss my complaint. I then filed a motion for reconsideration.

3. While the motion for reconsideration was pending, counsels from the American Civil Liberties Union entered an appearance on my behalf, which is limited to representing me on the claims against Defendants' Cellphone Rule, thus I continue to proceed pro se on all other issues.

4. When the Court's decision was entered on my motion for reconsideration on November 7, 2017, I did not receive any service of this decision—perhaps due to counsel entering a limited appearance on my behalf, and I only became aware of this decision from a source unrelated to this proceeding.

5. On December 16, 2017, I sent a letter to the Court

requesting to be served a copy of the Court's November 7, 2017 decision, while also reminding the Court I still proceed pro se on all issues except the Cellphone Rule and that I should still receive direct service of all filings entered. On January 18, 2018, I received actual service of the Court's Nov. 7th opinion.

6. Due to the fact that I did not receive a copy the Court's November 7, 2017 decision, deciding my motion for reconsideration, until January 18, 2018, I submit this application to reopen the time to file an appeal against the Court's dismissal of my Eighth Amendment assault claims with prejudice and denying reconsideration of same.

7. After issuing its opinion to the motion to dismiss on March 20, 2017, the Court granted Plaintiff 30 days to file an amended complaint. However, the filing of my motion for reconsideration should have tolled and reset the time for filing an amended complaint. In that I did not receive a copy of the Court's Nov. 7th decision until January 18, 2018, I request that the time to file an appeal be reopened pursuant to Rule 4(a)(6), Fed.R.App.P.

8. It is excusable neglect and good cause for delay, Rule 4(a)(5)(A)(ii), Fed.R.Civ.P., being that it was no fault of Plaintiff that he did not receive service of the Court's November 7, 2018 opinion on his motion for reconsideration until January 18, 2018.

9. Attached hereto is an unsigned/undated copy of the notice of appeal sought to be filed along with accompanying in forma

pauperis application pursuant to L.Civ.R. 7.1(f).

10. For the foregoing reasons, in the interest of justice, for good cause shown and excusable neglect, it is requested that the instant motion to reopen the time to file a notice of appeal be GRANTED.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted,



By: Shamsiddin Abdur-Raheem

Date: February 16, 2018